

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN THOMPSON,
v.
MV TRANSPORTATION

Plaintiff,

Case No. 2:16-cv-01726-MMD-PAL

REPORT OF FINDINGS AND RECOMMENDATION

Defendant.

This matter is before the court on Plaintiff Steven Thompson's failure to comply with the court's Order (ECF No. 3). This matter is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff is proceeding in this action *pro se*. He submitted an Application to Proceed *In Forma Pauperis* (ECF No. 1) and a complaint (ECF No. 1-1). The court issued a Screening Order (ECF No. 3) granting Plaintiff permission to proceed *in forma pauperis* and screening the complaint pursuant to 28 U.S.C. § 1915(e). The undersigned found that the complaint failed to state a colorable claim and allowed him until July 21, 2017, to file an amended complaint. The Screening Order warned Plaintiff that a failure to file an amended complaint addressing the deficiencies explained by the court would result in a recommendation to the district judge that this case be dismissed. To date, Plaintiff has not filed an amended complaint, requested an extension of time, or taken any other action to prosecute this case.

Accordingly,

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1 **IT IS RECOMMENDED:**

2 1. Plaintiff's Complaint (ECF No. 4) be DISMISSED without prejudice.
3 2. The Clerk of the Court be instructed to close the case and enter judgment accordingly.

4 Dated this 9th day of August, 2017.

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6 PEGGY A. TEES
7 UNITED STATES MAGISTRATE JUDGE

8 **NOTICE**

9 This Report of Findings and Recommendation is submitted to the assigned district judge
10 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
11 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
12 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
13 Rules of Practice, any party wishing to object to a magistrate judge's findings and
14 recommendations shall file and serve *specific written objections*, together with points and
15 authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C.
16 § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate
17 Judge's Report of Findings and Recommendation," and it is subject to the page limitations found
18 in LR 7-3(b). The parties are advised that failure to file objections within the specified time may
19 result in the district court's acceptance of this Report of Findings and Recommendation without
20 further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition,
21 failure to file timely objections to any factual determinations by a magistrate judge may be
22 considered a waiver of a party's right to appellate review of the findings of fact in an order or
23 judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th
24 Cir. 1991); Fed. R. Civ. Pro. 72.

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